

MEMO ENDORSED

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February 9, 2022

BY ECF

Honorable Valerie E. Caproni
United States District Court Judge
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

Re: *Securities and Exchange Commission v. Sergei Polevikov and Maryna Arystava*,
21 Civ. 7925 (VEC)

Dear Judge Caproni:

The parties in the above-captioned action write jointly to respectfully request that the Court adjourn *sine die* the Initial Pretrial Conference currently scheduled for February 18, 2022, the deadline for the parties to file a joint letter and Case Management Plan (which is currently February 10, 2022), and the deadline for defendant Sergei Polevikov and relief defendant Maryna Arystava to answer or otherwise respond to the complaint (which is currently February 18, 2022).

As the Court is aware, the Securities and Exchange Commission (the “Commission”) and defendant Sergei Polevikov have reached a partial settlement of this matter, and the Court has entered a Judgment, upon consent, enjoining Mr. Polevikov from violating certain securities laws and regulations. Pursuant to the settlement and the Judgment, the Court will determine any monetary sanctions against Mr. Polevikov upon later motion, if any, by the Commission.

Mr. Polevikov has pled guilty to securities fraud in a criminal case in this district involving the same conduct alleged in this matter, and he is currently scheduled to be sentenced on April 12, 2022. The Commission intends to determine after Mr. Polevikov’s sentencing whether it will seek monetary sanctions. The requested adjournment will allow the Commission to make that determination and allow the parties to pursue a full resolution of this matter.

Respectfully Submitted,

/s/ Michael Gerber


Michael Gerber
Jeannie Rose Rubin
LANGLER SIFFERT & WOHL LLP
500 Fifth Avenue
New York, New York 10110
Tel: (212) 921-8399
Fax: (212) 764-3701
mgerber@lswlaw.com
rrubin@lswlaw.com
*Counsel for Defendant Sergei Polevnikov and
Relief Defendant Maryna Arystava*

/s/ Melissa Armstrong (by Jeannie Rose Rubin)

Melissa Armstrong
U.S. Securities & Exchange Commission
100 F Street N.E.
Washington, DC 20549-5977
Tel: (202) 551-4724
armstrongme@sec.gov
*Counsel for Plaintiff Securities & Exchange
Commission*

Application GRANTED. The Initial Pre-Trial Conference currently scheduled for Friday, February 18, 2022, at 10:00 a.m. is hereby ADJOURNED *sine die*, as is the deadline for the parties' pre-conference submissions. Defendants' time to answer or move to dismiss the Complaint is also hereby ADJOURNED *sine die*. The parties are directed to file a joint update with the Court not later than April 22, 2022 regarding next steps in this case.

SO ORDERED.

 2/9/22

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE